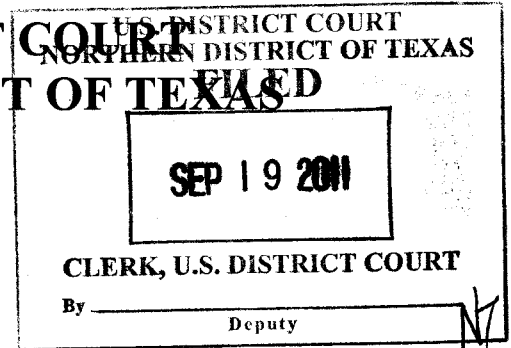


BK
ORIGINAL

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**



Robert Joe Redman, Jr.
Plaintiff

3 - 11 CV 2428 - G
Civil Action No.

NCO Financial Systems Inc.
Defendant

COMPLAINT

Jurisdiction

1. This is an action under the Fair Credit Reporting Act, ("FCRA"), 15 U.S.C. section 1681 et seq. and the Fair Debt Collections Practices Act, ("FDCPA"), 15 U.S.C. section 1692a et seq.
2. Jurisdiction in this case is founded upon 15 U.S.C. section 1681p which grants the United States District Courts jurisdiction to hear this action without regard to the amount in controversy.

Parties

3. The plaintiff is Robert Joe Redman, Jr.
4. Defendant, NCO Financial Systems, is a Pennsylvania based business

corporation, at 507 Prudential Road, Horsham, PA. 19044, whose primary business is debt collection from consumers.

Cause of Action

Facts

5. NCO Financial Systems, Inc. has repeatedly violated the Fair Credit Reporting Act ("FCRA"), 15 U.S.C. section 1681 et seq. and the Fair Debt Collections Practices Act, ("FDCPA"), 15 U.S.C. section 1692e, by obtaining without any FCRA-sanctioned purpose, and without authorized consent, a credit report on Robert Joe Redman, Jr. from TransUnion, a credit reporting agency.

6. The Courts have established and explicitly adopted that only a "judgment creditor" has a permissible purpose to receive a consumer report on the "judgment debtor" for use in connection with collection of the debt without the consumers consent. See Pintos v. Pacific Creditors Association (9th cir. 2007) 504 F. 3d 792. (NCO) is not a "judgment creditor". (NCO) does not have a judgment against plaintiff. (NCO) did not have plaintiff's permission to obtain credit report.

Liability

7. Under the Fair Credit Reporting Act ("FCRA"), 15 U.S.C. section 1681n, as well as the Fair Debt Collections Practices Act ("FDCPA"), 15 U.S.C. section 1692k(2)(A), "any person who willfully fails to comply with any requirement imposed under this title with respect to any consumer is liable to that consumer in

an amount equal to the sum of,...not less than \$100 and not more than \$1000..."

Claim for Relief

8. The Defendant violated 15 U.S.C. section 1681 et seq. and 15 U.S.C. section 1692e, on 02/2011, by obtaining without any FCRA-sanctioned purpose, and without authorized consent, a credit report on Robert Joe Redman, Jr. from TransUnion, a credit reporting agency

9. The Defendant violated 15 U.S.C. section 1681 et seq. and 15 U.S.C. section 1692e, on 02/2011, by obtaining without any FCRA-sanctioned purpose, and without authorized consent, a credit report on Robert Joe Redman, Jr. from TransUnion, a credit reporting agency

10. The Defendant violated 15 U.S.C. section 1681 et seq. and 15 U.S.C. section 1692e, on 03/2011, by obtaining without any FCRA-sanctioned purpose, and without authorized consent, a credit report on Robert Joe Redman, Jr. from TransUnion, a credit reporting agency

11. The Defendant violated 15 U.S.C. section 1681 et seq. and 15 U.S.C. section 1692e, on 07/2010, by obtaining without any FCRA-sanctioned purpose, and without authorized consent, a credit report on Robert Joe Redman, Jr. from TransUnion, a credit reporting agency

12. The Defendant violated 15 U.S.C. section 1681 et seq. and 15 U.S.C. section

1692e, on 01/2010, by obtaining without any FCRA-sanctioned purpose, and without authorized consent, a credit report on Robert Joe Redman, Jr. from TransUnion, a credit reporting agency


13. The Defendant violated 15 U.S.C. section 1681 et seq. and 15 U.S.C. section 1692e, on 11/2009, by obtaining without any FCRA-sanctioned purpose, and without authorized consent, a credit report on Robert Joe Redman, Jr. from TransUnion, a credit reporting agency

14. As a result of the above violations of the FCRA and the FDCPA, the Defendant is liable to the Plaintiff for declaratory judgment that Defendant's conduct violated the FCRA, and the FDCPA, and Plaintiff's statutory damages.

WHEREFORE, Plaintiff respectfully prays that judgment in a sum of \$12,000 be entered against the Defendant for the following:

- a. Statutory damages for each violation pursuant to the FCRA 15 U.S.C. section 1681n and the FDCPA 15 U.S.C. section 1692k (2)(A)
- b. and such other relief that the court feels is just and proper

Robert Joe Redman, Jr.

A handwritten signature in cursive script, reading "Robert Joe Redman, Jr.", written over a horizontal dashed line.

7235 Darsena

Grand Prairie, Texas 75050

(817) 500-1171

ORIGINAL

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

Robert, Joe Redman Jr

(b) County of Residence of First Listed Plaintiff
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

DEFENDANTS

NCO Financial Systems, Inc

County of Residence of First Listed Defendant
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

SEP 19 2011
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS

3-11cv2428-G

II. BASIS OF JURISDICTION

(Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☐ 3 Federal Question (U.S. Government Not a Party)
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- (For Diversity Cases Only)
- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|----------------------------|---|----------------------------|---------------------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT

(Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input checked="" type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	

V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from another district (specify)
☐ 6 Multidistrict Litigation
☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing. (Do not cite jurisdictional statutes unless diversity):

VIOLATION OF 15 USC SECTION 1681 et seq.
VIOLATED STATUTES BY OBTAINING CREDIT REPORT WITHOUT CAUSE

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

12,000

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) (See instructions)

PENDING OR CLOSED:

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE